

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK STEVEN CANN,	:	CIVIL ACTION
	:	
Petitioner,	:	NO. 11-5078
	:	
v.	:	
	:	
TAB BICKLE, et al.,	:	
	:	
Respondents.	:	

**ORDER**

The Court has carefully reviewed all pleadings, the full record, and the Report and Recommendation filed by U.S. Magistrate Judge David R. Strawbridge (Dkt. No. 14). The Court has also reviewed the Objections filed by Petitioner (Dkt. No. 16), and fully concurs with Magistrate Judge Strawbridge's conclusions concerning procedural default and Petitioner's inability to overcome the hurdles created by such. Moreover, where Petitioner may not have defaulted, the Court concurs with Magistrate Judge Strawbridge's conclusions that none of Petitioner's claims were denied by the state court on the basis of an unreasonable application of federal constitutional law, and that several of his claims were not cognizable on *habeas* review; Petitioner's contentions thus do not justify an evidentiary hearing. *Williams v. Beard*, 637 F.3d 195 (3d Cir. 2011). Petitioner has not presented any compelling basis to disturb the decisions of the Pennsylvania courts.

AND NOW, this 31<sup>st</sup> day of May, 2012, it is hereby ORDERED that:

1. The Report and Recommendation of Magistrate Judge David R. Strawbridge is APPROVED and ADOPTED;

2. Petitioner's request for an evidentiary hearing is DENIED;
3. The Petition for a Writ of *Habeas Corpus* is DENIED;
4. A Certificate of Appealability WILL NOT issue; and
5. The Clerk of Court shall mark this case closed for all purposes, including statistics.

BY THE COURT:

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C. DARNELL JONES, II